

RESTRICTIVE COVENANT

THE FOLLOWING PARAGRAPHS AND RESTRICTIONS SHALL BE RECORDED ON THE LAND RECORDS FOR THE COVENANT.

The property located within Section 19, T3S, R7W, DeSoto County, Mississippi, described herein, and hereinafter as "the mitigation property," is being protected as required by §404 Permit MNHMHVK2011231 and Water Quality Certification No. WQC2011017, subsequently referred to as "the permits." A mitigation covenant has been placed on the mitigation property and is agreed upon by the permittee, the mitigation property owner, the U.S. Army Corps of Engineers and the Mississippi Department of Environmental Quality.

PROPERTY DESCRIPTION:

Description of the Proposed DeSoto County Jail Restrictive Covenant, Permit Number MNH-MVK-2011-231 as issued by the U.S. Corps of Engineers across part of the Malcolm Harris property recorded in Book 304, Page 250, Section 19, Township 3 South, Range 7 West, DeSoto County, Mississippi;

Commencing at a found pk nail in the centerline of existing pavement of Magnolia Drive, said point being the northwest corner of the southwest quarter of Section 19, Township 3 South, Range 7 West and being located in the north line of the James Keith Bramlett and wife, Betsy B. Bramlett property recorded in Book 267, Page 220; thence north 88 degrees 31 minutes 38 seconds east with the north line of said property recorded in Book 267, Page 220, 768.08 feet to the Point of Beginning; thence across the Malcolm Harris property recorded in Book 304, Page 250 the following calls: north 44 degrees 05 minutes 43 seconds west, 51.92 feet; north 34 degrees 45 minutes 52 seconds west, 64.94 feet; north 28 degrees 30 minutes 52 seconds west, 18.39 feet; north 49 degrees 28 minutes 25 seconds west, 27.19 feet; north 51 degrees 15 minutes 26 seconds west, 23.80 feet; north 77 degrees 35 minutes 49 seconds west, 56.55 feet; north 58 degrees 34 minutes 34 seconds west, 48.79 feet; north 72 degrees 01 minutes 13 seconds west, 34.64 feet; north 53 degrees 16 minutes 37 seconds west, 41.64 feet; north 65 degrees 08 minutes 37 seconds west, 159.99 feet; north 19 degrees 18 minutes 15 seconds west, 27.85 feet; north 70 degrees 41 minutes 45 seconds east, 25.00 feet; north 29 degrees 48 minutes 25 seconds east, 19.46 feet; north 16 degrees 58 minutes 03 seconds east, 25.00 feet; south 73 degrees 01 minutes 57 seconds east, 28.83 feet; south 52 degrees 53 minutes 45 seconds east, 36.38 feet; south 64 degrees 45 minutes 57 seconds east, 133.57 feet; south 80 degrees 25 minutes 56 seconds east, 18.00 feet; south 58 degrees 40 minutes 43 seconds east, 74.03 feet; south 72 degrees 48 minutes 22 seconds east, 43.58 feet; south 61 degrees 11 minutes 10 seconds east, 46.82 feet; south 45 degrees 01 minutes 21 seconds east, 39.74 feet; south 36 degrees 00 minutes 30 seconds east, 29.68 feet; south 38 degrees 21 minutes 32 seconds east, 111.52 feet; south 79 degrees 39 minutes 33 seconds east, 47.27 feet; north 69 degrees 27 minutes 32 seconds east, 28.32 feet; south 87 degrees 52 minutes 12 seconds east, 47.65 feet; north 86 degrees 19 minutes 29 seconds east, 76.04 feet; south 89 degrees 08 minutes 16 seconds east, 128.02 feet; south 87 degrees 16 minutes 33 seconds east, 33.07 feet; north 37 degrees 28 minutes 19 seconds east, 45.56 feet; north 88 degrees 47 minutes 14 seconds east, 75.78 feet; north 86 degrees 46 minutes 29 seconds east, 212.85 feet; north 88 degrees 30 minutes 48 seconds east, 478.08 feet to a concave curve; along a curve to the left

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having a radius of 57.78 feet, a delta angle of 39 degrees 18 minutes 54 seconds, a chord bearing of north 68 degrees 45 minutes 10 seconds east, a chord distance of 38.88 feet and an arc length of 39.65 feet; north 32 degrees 55 minutes 33 seconds east, 7.45 feet to a concave curve; along a curve to the right having a radius of 127.17 feet, a delta angle of 70 degrees 07 minutes 13 seconds, a chord bearing of north 52 degrees 05 minutes 22 seconds east, a chord distance of 146.10 feet and an arc distance of 155.63 feet; south 89 degrees 34 minutes 36 seconds east, 30.05 feet; north 76 degrees 22 minutes 38 seconds east, 62.47 feet to a concave curve; along a curve to the right having a radius of 78.13 feet, a delta angle of 48 degrees 02 minutes 17 seconds, a chord bearing of south 85 degrees 18 minutes 37 seconds east, a chord distance of 63.60 feet and an arc distance of 65.51 feet; south 61 degrees 17 minutes 28 seconds east, 70.90 feet; south 39 degrees 40 minutes 27 seconds east, 44.55 feet; south 33 degrees 49 minutes 29 seconds east, 55.07 feet; south 47 degrees 15 minutes 13 seconds east, 41.05 feet; south 72 degrees 25 minutes 59 seconds east, 4.90 feet; north 82 degrees 22 minutes 21 seconds east, 3.23 feet; north 55 degrees 16 minutes 08 seconds east, 28.70 feet; south 79 degrees 57 minutes 16 seconds east, 89.84 feet; north 83 degrees 46 minutes 28 seconds east, 8.49 feet; north 41 degrees 03 minutes 28 seconds east, 12.50 feet; south 75 degrees 22 minutes 00 seconds east, 38.31 feet to a point in a west line KEEPM, LLC property recorded in Book 547, Page 786, said point being located south 01 degrees 03 minutes 45 seconds east, 555.30 from a found rebar at the northeast corner of said property recorded in Book 304, Page 250; thence south 01 degrees 03 minutes 45 seconds east with the west line of said property recorded in Book 547, Page 786 and the west line of the Johnnie Mae Wright Estate property recorded in Book 298, Page 439, 70.44 feet; thence westwardly and across said property recorded in Book 304, Page 250 the following calls: south 56 degrees 58 minutes 14 seconds east, 22.90 feet; north 84 degrees 36 minutes 54 seconds west, 40.46 feet; north 44 degrees 31 minutes 43 seconds west, 16.52 feet; north 88 degrees 15 minutes 31 seconds west, 67.43 feet; south 77 degrees 58 minutes 17 seconds east, 27.49 feet; north 85 degrees 15 minutes 53 seconds west, 43.45 feet; north 54 degrees 41 minutes 03 seconds west, 72.44 feet; north 06 degrees 25 minutes 09 seconds east, 14.79 feet; north 44 degrees 18 minutes 55 seconds west, 41.28 feet; north 24 degrees 07 minutes 09 seconds west, 34.65 feet; north 47 degrees 29 minutes 44 seconds west, 8.60 feet; north 68 degrees 56 minutes 01 seconds west, 36.98 feet; south 83 degrees 58 minutes 24 seconds east, 35.65 feet; south 67 degrees 25 minutes 09 seconds east, 39.30 feet; south 83 degrees 15 minutes 27 seconds east, 44.57 feet; south 66 degrees 06 minutes 53 seconds east, 5.06 feet; south 32 degrees 32 minutes 38 seconds east, 10.38 feet; south 68 degrees 09 minutes 12 seconds east, 28.11 feet to a concave curve; along a curve to the right having a radius of 424.89 feet, a delta angle of 07 degrees 05 minutes 20 seconds, a chord bearing of south 30 degrees 20 minutes 24 seconds west, a chord distance of 52.54 feet and an arc distance of 52.57 feet to a concave curve; along a curve to the right having a radius of 135.78 feet, a delta angle of 25 degrees 17 minutes 16 seconds, a chord bearing of south 49 degrees 47 minutes 16 seconds west, a chord distance of 59.44 feet and an arc distance of 59.93 feet to the point of beginning and containing 4.30 acres more or less.

The restrictions in this covenant take effect once construction of the project, as approved under the permits, is completed. This covenant does not prohibit the construction of any features or structures which are shown on the approved plans, nor the maintenance of these as necessary to allow for the intended function.


The mitigation covenant includes the following restrictions:

- a. Vegetation – After vegetation is established, as defined by the permits, there shall be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in vegetation on the mitigation property not specifically recommended and approved in the mitigation plan, the permits or by the U.S. Army Corps of Engineers and the Mississippi Department of Environmental Quality. This restriction does not apply to the area located within the fence that surrounds the jail building. Mowing is permissible within the fenced area around the jail building.
- b. Uses – There shall be no agricultural (to include grazing by domestic livestock), commercial, or industrial activities allowed on the mitigation property. This restriction does not apply to hunting and fishing activities in accordance with state law.
- c. Buildings – There shall be no construction or placement of buildings or other structures on the mitigation property except where otherwise approved in the permits. Approved structures include the outlet structures (pipes and headwall) of the storm water detention pond, the fence surrounding the jail building and the storm water conveyance channel located east of the jail building.
- d. Roads – There shall be no construction of roads on the mitigation property.

Upon mutual agreement of the permittee, DeSoto County, the U.S. Army Corps of Engineers and the Mississippi Department of Environmental Quality, this mitigation covenant may be modified due to unforeseen circumstances.

This instrument may be executed in any number of counterparts, each of which shall be considered an original for all purposes.

WITNESS THE EXECUTION hereof by the parties on this the 29th Day of August of 2011.

BY: 
 Allen Latimer, President
 DeSoto County Board of Supervisors
 Landowner/Permittee

ATTEST: W E Davis Chancery Clerk
 W. E. "Sluggo" Davis, Clerk
 DeSoto County Board of Supervisors



